

Message Text

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17

ACTION EA-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-03 H-01 INR-07 L-02

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 OMB-01

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R 100628Z FEB 75

FM AMEMBASSY CANBERRA

TO SECSTATE WASHDC 5025

INFO AMEMBASSY WELLINGTON

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E.O. 11652: GDS

TAGS: AS, PFOR

SUBJECT: APPOINTMENT OF SENATOR LIONEL MURPHY TO HIGH COURT OF
AUSTRALIA

1. IN SURPRISE STATEMENT EVENING OF FEB 9 PRIME MINISTER
ANNOUNCED APPOINTMENT OF SENATOR LIONEL K. MURPHY TO VACANT
SEAT ON HIGH COURT OF AUSTRALIA, EFFECTIVE SAME DAY. SEN-
ATOR MURPHY CONSEQUENTLY IS NO LONGER ATTORNEY GENERAL, AND
SENATE VACANCY FOR NEW SOUTH WALES HAS ALSO BEEN OPENED UP.
ACTION HAS STARTED UP SCRAMBLE FOR POSITION TO REPLACE MUR-
PHY IN CABINET, AS SENATOR, AND AS GOVERNMENT LEADER IN
SENATE.

2. COMMENT: MURPHY HAS BEEN PERHAPS MOST DISAPPOINTING
FIGURE IN LABOR CABINET, AS HE HAS MISHANDLED OR BUNGLED
SERIES OF MATTERS, INCLUDING STATUS OF ASIO (AUSTRALIAN
DOMESTIC SECURITY ORGANIZATION), DIVORCE LAW REFORM JQI OUMILY
LAW LEGISLATION, AND PETROLEUM AND MINERALS AUTHORITY BILL.
HE HAD ORIGINALLY BEEN CONSIDERED TO BE POTENTIAL RIVAL OF
WHITLAM, BUT HIS MEDIOCRE PERFORMANCE HAS LONG SINCE PUT HIM
OUT OF THE RUNNING IN THIS SENSE.

3. TIMING OF ACTION IS A PUZZLE. AT LABOR PARTY CONFERENCE

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LAST WEEK, WHICH BOTH WHITLAM AND MURPHY ATTENDED,

THERE WAS NO RPT NO SPECULATION THAT SUCH A MOVE WAS IN THE OFFING. CIRCUMSTANCES SUGGEST HASTE ON PART OF GOVERNMENT, PARTICULARLY ON EVE OF REOPENING OF PARLIAMENT, WHICH WILL MEET FEB 11. NOT CLEAR WHY GOVERNMENT FOUND IT NECESSARY TO MOVE SO QUICKLY.

4. APPOINTMENT CREATES SIGNIFICANT PROBLEM IN SENATE. STATE PARLIAMENT OF NSW, DOMINATED BY LIVERAL-COUNTRY PARTIES WILL BE CALLED ON TO NOMINATE REPLACEMENT FOR MURPHY. CUSTOM IN PAST HAS BEEN FOR STATE GOVERNMENT TO NOMINATE REPLACEMENT FROM SAME PARTY, AS RESIGNING OR DECEASED INCUMBENT, BUT NSW PREMIER TOM LEWIS TOLD PRESS FEB 10 HE DID NOT RPT NOT KNOW IF HE WOULD NECESSARILY FOLLOW PAST CUSTOM. POINT IS OF SOME SIGNIFICANCE AS ALP NOW HAS 28 SENATORS, WHILE LIBERAL-COUNTRY PARTIES HAVE 29, WITH INDEPENDENT SENATOR TOWNLEY VOTING ALMOST ALWAYS WITH LIBERALS AND INDEPENDENT SENATOR HALL VOTING ABOUT 60 PERCENT OF TIME WITH LIBERALS. IF PREMIER LEWIS APPOINTS A LIBERAL REPLACEMENT, OPPOSITION CONTROL OF SENATE WILL BE STRENGTHENED, PERHAPS MAKING REFUSAL OF SUPPLY AND FORCING OF ELECTIONS THIS YEAR SOMEWHAT EASIER. ALTERNATIVELY, IF PREMIER LEWIS SIMPLY DELAYS TAKING ACTION, EFFECT WILL BE SAME. THIS SITUATION ALSO SPELLS FURTHER TROUBLE FOR LABOR GOVERNMENT LEGISLATION GENERALLY IN SENATE.

5. APPOINTMENT OF MURPHY HAS CONSIDERABLE RAMIFICATIONS FOR POLITICAL SITUATION AS A WHOLE, AND SUBSEQUENT EVENTS COULD HAVE CONSIDERABLE IMPACT ON DEVELOPMENTS LATER THIS YEAR. HARROP

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